

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TODD ROY GIBBONS,

Plaintiff,

V.

BOB FERGUSON,

Defendant.

CASE NO. C13-5189 BHS

ORDER DENYING MOTION
FOR RECONSIDERATION AND
MOTION TO AMEND

This matter comes before the Court on Plaintiff Todd Roy Gibbons's ("Gibbons") motion for reconsideration (Dkt. 5) and motion to amend (Dkt. 6)

On March 14, 2012, Gibbons filed a motion to proceed *in forma pauperis* and a proposed complaint. Gibbons alleges that the United States, through the Washington Attorney General and local medical facilities, has caused him to receive an improper medical diagnosis in early 2005. Dkt. 1-1. Gibbons alleges that the improper diagnosis caused the unfavorable decision in his recent claim for social security benefits. *Id.*

On March 20, 2013, the Court denied Gibbons's motion and dismissed his complaint because of numerous deficiencies in the complaint, including the fundamental jurisdictional deficiencies of failure to exhaust and statute of limitations. Dkt. 4. On

1 March 26, 2013, Gibbons filed a motion for reconsideration stating that he failed to
2 include four pages of his complaint (Dkt. 5) and a motion to amend his complaint to add
3 the additional four pages (Dkt. 6).

4 The Court has reviewed the proposed amended complaint (Dkt. 6-1) and Gibbons
5 fails to cure the fundamental jurisdictional deficiencies set forth in the Court's prior
6 order. Therefore, the Court **DENIES** Gibbons's motion for reconsideration (Dkt. 5) and
7 motion to amend (Dkt. 6).

8 **IT IS SO ORDERED.**

9 Dated this 27th day of March, 2013.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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